

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**STEPHEN AND JUNE VITIELLO,  
Individually and on Behalf of All Others  
Similarly Situated,**

**No. 2:20-cv-04240-MCA-MAH**

**Plaintiffs,**

**v.**

**BED BATH & BEYOND INC., *et al.*,**

**Defendants.**

**NOTICE OF UNOPPOSED MOTION OF LEAD  
PLAINTIFF KAVIN BAKHDA FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT, PRELIMINARY CERTIFICATION  
OF CLASS, AND APPROVAL TO PROVIDE NOTICE TO THE CLASS**

**TO: ALL PARTIES AND THEIR COUNSEL OF RECORD**

**PLEASE TAKE NOTICE** that Lead Plaintiff Kavin Bakhda hereby moves this Court pursuant to Rule 23 of the Federal Rules of Civil Procedure to grant the proposed Preliminary Approval Order: (i) preliminarily approving the Settlement; (ii) holding that the manner and forms of notice satisfy due process and provide the best notice practicable under the circumstances, and ordering that Notice be provided to the Class; (iii) setting a date and time for the Settlement Fairness Hearing not fewer than 110 days from entry of the Preliminary Approval Order; (iv) appointing JND Class Action Administration as Claims Administrator; (v) preliminarily certifying the Class; and (vi) granting such other and further relief as may be required.

This Motion is supported by the accompanying Memorandum of Law, the supporting Declaration of Richard L. Elem, and all exhibits thereto.

Dated: December 29, 2021

Respectfully submitted,

/s/ Richard L. Elem

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**CERTIFICATE OF SERVICE**

I hereby certify that December 29, 2021 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

*/s/ Richard L. Elem*  
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RICHARD L. ELEM